

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

March 7, 2016 Meeting Minutes

4:00 p.m., Public Hearing Room, DEP, Trenton

Board Members:

Present

Jorge Berkowitz (departed at 5:07 PM)
Philip Brilliant
Lawra Dodge
Joseph Fallon
Joann Held
Jeffrey Hoffman
Christopher Motta
Mark Pedersen (arrived at 4:07 PM)
Kathi Stetser
Peter Strom
Constantine Tsentas
Ira Whitman

Absent

None

Others Present:

Board Executive Director Janine MacGregor
Board Staff Dana Haymes
DAG Kimberly Hahn

Proceedings:

- **Meeting called to Order at 4:06 PM by Vice-Chairman Held**
- **Roll Call**
- **Approval of the Minutes**

Minutes of February 16, 2016

Motion to approve the minutes by Connie Tsentas.

Motion seconded by Joseph Fallon.

Connie Tsentas suggested attaching the list of exam candidates to the minutes.

Kimberly Hahn suggested fixing the spelling of Neils Lewis's name to Neilsen Lewis.

All present voted to approve the minutes with the revisions noted, except Kathi Stetser and Lawra Dodge abstained.

The motion was carried.

- **Chairman's Report:**

Chairman Pedersen noted that the Department of Environmental Protection issued new guidance with respect to the need for an LSRP to have an A-901 license. A listserv was sent by the Department on 3/2/16.

- **Executive Director's Report:**

Janine MacGregor stated that she is happy to have the opportunity to serve as the Executive Director of the Site Remediation Professional Licensing Board. She will be reaching out to each Board Member to discuss any issues they would like to bring up.

- **Report of the Audit Committee: Philip Brilliant**

Five LSRPs have been selected for audit for March 2016.

The audits of two LSRPs have been completed:

September 2015 – Jeffrey Bauer – 573994

September 2015 - Kevin McAllister - 668731

- **Report of the Continuing Education Committee: Lawra Dodge**

Motion by Lawra Dodge to approve three applications for approval of CECs.
Motion seconded by Joann Held.

The applications are:

-Flood Hazard Area Control Act Rules: Overview – 6 Regulatory CECs

- Flood Hazard Area Control Act Rule: Engineering Standards – 3 Technical and 3 Regulatory CECs
- Flood Hazard Area Control Act Rules: Environmental Standards – 6 Regulatory CECs

Lawra Dodge revised the motion to approve only the sessions sponsored by NJAES - Rutgers. Montclair State University will have to submit a new application for the sessions sponsored by Montclair State University. Dana Haymes will contact Montclair State University to notify them of the decision.

Motion seconded by Joann Held.

All Present Voted yes, except Peter Strom abstained.

The motion was carried with respect to all applications by Rutgers University for approval of CECs.

- **Report of the Finance Committee: Joseph Fallon**

No Report.

- **Report of the Licensure Committee: Ira Whitman**

The Board is finishing the renewal cycle for licenses that were issued in 2012 and February 2013.

The next examination will be held next Tuesday, March 15, 2016. 53 people are scheduled to take the examination.

The RFP for the examination contract was sent by the Department to the Department of Treasury. Some information necessary for the appendix was requested from the present examination contractor, Buck Chaffee.

- **Report of the Outreach Committee: Christopher Motta**

No Report.

- **Report of the Professional Conduct Committee: Jorge Berkowitz**

The Committee has developed a matrix to be used to develop penalty amounts for violations. The Professional Conduct Committee has made some minor changes to the Penalty Matrix that was passed out to the Board earlier. The changes are as follows:

Definition of low conduct was changed from “action or omission of the LSRP was inadvertent or unintentional” to “inadvertent, unintentional”

Medium conduct was changed from “Action or omission of the LSRP was inadvertent or unintentional but the outcome was foreseeable” to “demonstrated negligence, lack of understanding of responsibilities, regulations, guidance, laws, policy, etc.”

High conduct was changed from “Action or omission of the LSRP was intentional, deliberate, purposeful, knowing, willful or habitual” to “intentional, deliberate, knowing or willful act or omission, repeat violation, intentional deception”

Low severity was changed from “No impact to public health and safety and the environment” to “no impact to public health or the environment”

Medium severity was changed from “Some impact to public health and safety or the environment” to “some potential or real impact to environment. NO impact to public health”

High severity was changed from “Significant impact to public health and safety or the environment” to “impact to environment, potential or real impact to public health”

Jorge Berkowitz will make some edits for clarity to the document, and will circulate to Board Members for review prior to the next Board meeting.

Jorge Berkowitz made a motion to enter closed session to discuss complaints 005-2014, 006-2014, and 005-2015.

Motion seconded by Joann Held.

All present voted yes. The motion was carried.

Closed session commenced at 5:07 PM and Jorge Berkowitz departed the meeting.

Closed session ended at 6:44 PM.

Motion by Joann Held to find no violation in the matter of Complaint 005-2014.

Motion seconded by Jeffrey Hoffman.

Roll Call Vote:

Jorge Berkowitz – Absent

Phillip Brilliant - Yes

Lawra Dodge – Yes

Joseph Fallon – Yes

Jeffrey Hoffman – Yes

Christopher Motta – Yes

Kathi Stetser – Yes

Peter Strom – Yes

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The Motion was carried.

Motion by Joann Held to direct the Professional Conduct Committee to pursue investigation of other parties involved in the matters covered by Complaint 005-2014.

Motion seconded by Phil Brilliant.

Roll Call Vote:

Jorge Berkowitz – Absent

Phillip Brilliant - Yes

Lawra Dodge – Yes

Joseph Fallon – Yes

Jeffrey Hoffman – Yes

Christopher Motta – Yes

Kathi Stetser – Yes

Peter Strom – Yes

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The Motion was carried.

Motion by Joann Held to find no violation in the matter of Complaint 006-2014.

Motion seconded by Joe Fallon.

Roll Call Vote:

Jorge Berkowitz – Absent

Phillip Brilliant - Yes

Lawra Dodge – Yes

Joseph Fallon – Yes

Jeffrey Hoffman – Yes

Christopher Motta – Yes

Kathi Stetser – Yes

Peter Strom – No

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The Motion was carried.

Motion by Joann Held to direct the Professional Conduct Committee to pursue investigation of other parties involved in the matters involved in Complaint 006-2014.

Motion seconded by Phil Brilliant.

Roll Call Vote:

Jorge Berkowitz – Absent

Phillip Brilliant - Yes

Lawra Dodge – Yes

Joseph Fallon – Yes

Jeffrey Hoffman – Yes

Christopher Motta – Yes

Kathi Stetser – Yes

Peter Strom – Yes

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The Motion was carried.

Motion by Joann Held to find the subject of Complaint 005-2015 in violation of N.J.S.A. 58:10C-16d, and assess a penalty of \$700.

Lawra Dodge second.

Roll Call Vote:

Jorge Berkowitz – Absent

Phillip Brilliant - Yes

Lawra Dodge – Yes

Joseph Fallon – Yes

Jeffrey Hoffman – Yes

Christopher Motta – Yes

Kathi Stetser – Yes

Peter Strom – Yes

Constantine Tsentas – Yes

Ira Whitman – Yes

Mark Pedersen – Yes

The Motion was carried.

- **Report of the Rules Committee: Joann Held**

No Report.

- **Second Monday Meeting Discussion**

Motion by Mark Pedersen to not hold a meeting on March 21, 2016.

Motion seconded by Connie Tsentas.

All present voted yes.

The motion was carried.

- **Ongoing Business:**

None.

- **New Business:**

None.

- **Public Comments:**

None.

Meeting adjourned at 6:51 PM.